IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 16856 of 1997

Between:

Fishermen's Cooperative Society Limited, Koti Village, Korukonda Taluk, East Godavari District, rep. by its President Mamidi Somaraju, S/o.Rama Rao 45 years, R/o.Loti Village, Korukonda Taluk, East Godavari District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Secretary
Panchayatraj Department, Secretariat, Hyderabad.
2 Gram Panchayat, Koti Village, Lorukonda Mandal,
East Godavari District.
3 District Collector, East Godavari District, Kakinada.
4 Divisional Panchayat Officer,
Rajahmundry, East Godavari District. .....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or Direction particularly one in the nature of a Writ of mandamus declaring the action of the Respondents 2 to 4 in not granting lease of fishing rights to the petitioner in the Grandhi Narappa Cheruvu in S.No.36 of Koti Village, Korukonda Mandal, East Godavari District as illegal arbitrary and violative of Arts 14, 21 and provisions of A.P. Panchayat Raj Act 1994 and rules made the reunder and consequently set aside the lease of fishing rights if any granted to third parties by Respondents 2 and 4 and grant lease to the petitioner society for the period 1997-98.

Counsel for the Petitioner : Mr.M.KRISHNA MOHAN RAO
Counsel for the Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

In the present writ petition, the petitioner society challenges the action of the respondents 2 to 4 in not granting the lease of fishing rights for “Grandhi Narappa Cheruvu” in Survey No. 36 of Koti village, Korukonda Mandal, East Godavari district.

This Court while admitting the writ petition, granted interim directions by order dated 29-7-1997 directing the respondents 2 to 4 not to permit any person to enter into the “Grandhi Narappa Cheruvu” in Survey No.36, Koti village, Korikonda Mandal, East Godavari district.

A detailed counter affidavit was filed on behalf of the respondents denying the allegations made in the writ petition and stating that the subject tank was set apart for the purpose of drinking water in terms of G.O.Ms.No.340 dated 20-5-1988 and that a resolution was also passed to that effect.

Learned counsel for petitioner called absent. Learned Government Pleader for Panchayat Raj submitted that the cause in the writ petition does not survive and it has become infructuous.

Accordingly, the writ petition is dismissed as infructuous.
No costs.

N.V.RAMANA, J

Date: 18.3.2005

TVK/

To

1 The Secretary, Government of Andhra Pradesh,
Panchayatraj Department, Secretariat, Hyderabad.
2 Gram Panchayat, Koti Village, Lorukonda Mandal,
East Godavari District.
3 District Collector, East Godavari District, Kakinada.
4 Divisional Panchayat Officer,
Rajahmundry, East Godavari District.

5 Two CCs to the G.P. for Panchayat Raj & Rural Development Department, High Court Buildings, Hyderabad (OUT).

6 Two CD copies.